

Appl. No.: 10/820,209
Amdt. dated 03/23/2006
Reply to Office action of January 24, 2006

REMARKS

This amendment is responsive to the Final Official Action dated January 24, 2006. Applicants would like to thank the Examiner for a timely and thorough review of the above-referenced patent application. In addition, Applicants appreciate the Examiner taking the time to conduct a telephone interview with Applicants' undersigned attorney. Claims 15-30 were previously pending in the application. Claims 15-30 have been rejected. The Final Official Action rejected Claims 15-30 under 35 U.S.C. § 102(b) as being anticipated by U.S. patent 6,112,505 to Frederick et al.

Applicant has amended independent Claims 15 and 23 to further patentably distinguish the claimed invention, as explained more fully below. Applicant respectfully requests entry of the claim amendments since such amendments do not raise new issues. It is respectfully submitted that in light of the arguments and claim amendment(s), the application is now in condition for allowance.

Frederick et al. discloses a method for monitoring, dispensing, and restocking medical items from a plurality of storage locations. Each storage location of the method of Frederick et al. is marked with a par level for the item contained therein. Each storage location is further marked with one or more scannable indicia (e.g., bar code labels) corresponding to a "quantity condition." For example, one scannable indicium may correspond to a "below par level" condition, while another indicium may correspond to an "out of stock" condition. A user of the system determines whether an item requires restocking, such as by determining if the current quantity of the item is below the indicated par level or if the item is out of stock. The user then scans the appropriate indicium, corresponding to the determined quantity condition, using a handheld device. This causes the transmission of a message indicating that the particular storage location requires restocking.

The claimed invention similarly discloses a method for monitoring and restocking medical items from a plurality of storage locations. As recited in independent Claims 15 and 23, the method of the claimed invention comprises inputting a current quantity of an item and automatically comparing the quantity to a par level. A user of the method of the claimed

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invention does not need to know the par level and does not need to determine whether the current quantity is below the par level, but rather need only input the current quantity. In contrast to the claimed invention, the user of the method disclosed in Frederick et al. must necessarily manually compare the quantity to the par value in order to determine the quantity condition and scan the correct indicium.

The Official Action asserts that the information obtained when the indicium is scanned is compared to the stored par value, and that this comparison is "automatically comparing the current quantity to a par level." Applicants respectfully disagree with this assertion. The information read from the indicium of Frederick et al. is a quantity condition (e.g., below par level, out of stock, etc.) and not a quantity (100 pills, 50 units, etc.). Further, the method of Frederick et al. requires that the comparison of the current quantity to the par value be performed by the user and occur prior to scanning the indicium, as this is the only way the user could know which indicium to scan. As such, Frederick et al. cannot be considered to disclose the automatic comparison of the quantity to the par level.

During the telephone interview with Applicants' undersigned attorney, the Examiner suggested that the independent claims be amended to indicate where the comparison occurs. As suggested by the Examiner, Applicants have amended independent claims 15 and 23 to recite that the automatic comparison occurs "in a computing device." This amendment is supported, at least, in paragraph [0037]. Frederick et al. does not teach or suggest automatically comparing, in a computing device, the current quantity of an item to a par level for the item.

In view of the claim amendments and the remarks presented above, Applicants respectfully submit that independent claims 15 and 23, as well as the claims that depend therefrom, are patentable over Frederick et al. As such, all of the present claims of the present application are in condition for immediate allowance.

It is noted that two lists of documents (a six page list and a five page list) were filed on form PTO-1449 concurrently with the application. Initialed copies of the PTO Form 1449 that was submitted with Applicants' Information Disclosure Statement have been returned to Applicants' representative with the Office Action. However, pages 3-5 of the five page list were not initialed. Accordingly, it is requested that a fully initialed copy of the Form 1449 be

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forwarded to the undersigned with the next communication from the PTO. In order to facilitate review of the references by the Examiner, a copy of the Information Disclosure Statement and the Form 1449 are attached hereto. Copies of the cited references were provided at the time of filing the original Information Disclosure Statement, and, therefore, no additional copies of the references are submitted herewith. Applicants will be pleased to provide additional copies of the references upon the Examiner's request if it proves difficult to locate the original references.

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CONCLUSION

In view of the amended claims and the remarks presented above, it is respectfully submitted that the rejection of Claims 15-30 are overcome. As such, all of the present claims of the present application are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicants' undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

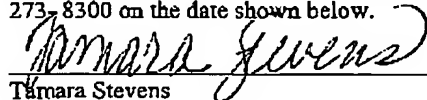


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CERTIFICATION OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the U.S. Patent and Trademark Office Fax No. (571) 273-8300 on the date shown below.


Tamara Stevens

March 23, 2006
Date